

The articles were alleged to be adulterated in that imitation lemon or lime juice consisting of an acid solution, artificial color, and citrus-peel oil containing little, or no, lemon or lime juice, had been mixed and packed therewith so as to reduce or lower their quality and strength and had been substituted wholly or in part for lemon juice and lime juice, which they purported to be; and in that they had been mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Liquid-Pep Lime Mixer Full Strength * * * Natural Juice * * * A mixture of Selected Parts Found in Fresh Lime Juice * * * Certified by U. S. Dept. of Agriculture," and "Lime [or "Lemon"] Flavor * * * Use Like Lime [or "Lemon"] Juice," were false and misleading and tended to deceive and mislead the purchaser when applied to such articles; and in that they were imitations of other articles, lemon and lime juices.

On September 9, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28192. Adulteration and misbranding of macaroni products. U. S. v. Western Macaroni Manufacturing Co. Plea of guilty. Fine, \$43. (F. & D. No. 39745. Sample Nos. 31233-C, 31236-C, 31237-C.)

These products were adulterated, since they were made from hard wheat flour and were artificially colored with annato so as to simulate the appearance of products made from semolina. Some were misbranded since they were labeled "Semolina," and certain lots failed to bear on the label a statement of the quantity of the contents of the packages.

On September 11, 1937, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Macaroni Manufacturing Co., a corporation, Salt Lake City, Utah, alleging shipment by the defendant between the dates of October 14 and November 28, 1936, from the State of Utah into the State of Montana of quantities of macaroni products that were adulterated and misbranded in violation of the Food and Drugs Act. Portions were labeled: "Macaroni [or "Spaghetti"] Carnation Brand Made With Hard Wheat Flour." The remainder were labeled: "Queen's Taste Made of Durum Semolina [or "A-1 Semolina" or "Semolina Products"]." Both brands were labeled further: "Western Macaroni Mfg. Company, Inc., Salt Lake City."

Both brands were alleged to be adulterated in that they were products inferior to macaroni products made of semolina or durum semolina, namely, products made of hard wheat flour other than semolina; and were artificially colored with a dye, annato, so as to simulate the appearance of macaroni products made from semolina or durum semolina, and in a manner whereby their inferiority to macaroni products made from semolina or durum semolina was concealed. The product labeled "Queen's Taste" was alleged to be adulterated further in that such artificially colored imitation macaroni products made of hard wheat flour had been substituted for articles made of semolina or durum semolina, which they purported to be.

Misbranding was alleged in the case of certain lots in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. Misbranding of the Queen's Taste brand was alleged in that the statements, "Made of Durum Semolina," "A-1 Semolina," and "Semolina Products," variously borne on the packages, were false and misleading and were borne on the labels so as to deceive and mislead the purchaser since they represented that the articles were macaroni products made of semolina or durum semolina; whereas they were artificially colored products made of hard wheat flour other than semolina or durum semolina.

On November 8, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$43.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28193. Adulteration of canned tuna fish. U. S. v. 51 Cases and 545 Cases of Canned Tuna (and 1 other seizure action). Decrees of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. & D. Nos. 39993, 39994, 40059, 40060, 40061. Sample Nos. 33582-C, 33583-C, 33586-C, 33587-C, 33588-C.)

This product was in part decomposed.

On July 24 and August 13, 1937, the United States attorney for the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed